IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2784 OF 2005

Raghunath Kachru Bhoir ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.N.N.Gawankar with Mr.Arfan Sait for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 29, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. According to the Applicant, even accepting the prosecution case as it is, at best, will indicate that the Applicant had assaulted the injured. No specific role has been attributed by any of the witnesses to indicate that the Applicant

assaulted by iron rod. However, according to learned A.P.P., the Complainant has stated that the Applicant was holding iron bar and had assaulted the injured with the help of iron rod. However, this submission is not supported by the medical evidence on record.

3. On verifying the nature of injuries caused to the concerned injured, there is not even a single injury which is attributable to assault by iron rod. If it is so, the Applicant's case, for the time being, will have to be considered on parity with other accused; Keshav Bendu Pitambare and Santosh Kachru Bhoir, who have been released on bail by this Court, as they had participated in the assault by giving fist and kick blows only.

4. As there are no antecedents against the Applicant, the Application is allowed on the same conditions as in the case of co-accused, which are as follows:

(a) The Applicant is directed to be released on bail in connection with C.R.No.I-96 of 2004

registered with Kalyan Taluka Police Station on executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one or two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant shall not enter Thane District during the pendency of the trial, except for attending Court cases on the specified dates.

(d) The Applicant shall inform their place of residence to the Investigating Officer as well as the Trial Court within one week from the date of release. In addition, Applicant shall report to the nearest Police Station, once in a month, on first Saturday of every English Calender Month.

(e) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the

delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.